

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON/GREENWOOD DIVISION

KENNETH LEE HUCKABEE,	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 8:24-3756-MGL-WSB
	§
	§
BRYAN P. STIRLING, JOEL ANDERSON,	§
WILLIE DAVIS, JANA HOLLIS, LT.	§
MICQUEL CLEVELAND, DENNIS	§
PATTERSON, MATT WATSON, MR.	§
NELSON, STACY RICHARDSON, MS.	§
OWENS, JOSEPH STINES, BRANDON	§
BYRD, ESTHER LABORADOR, STEPHANII	Ε§
SKEWES, LT. MARTIN A. DELK, LT.	§
OFFICER RAMP, LT. OFFICER ADAMS,	§
MS. PEEPLES, LT. KEITH,	§
Defendants.	§

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND DENYING PLAINTIFF'S MOTION TO COMPEL

Plaintiff Kenneth Lee Huckabee (Huckabee) filed lawsuit against Defendants Bryan P. Stirling, Joel Anderson, Willie Davis, Jana Hollis, Lt. Micquel Cleveland, Dennis Patterson, Matt Watson, Mr. Nelson, Stacy Richardson, Ms. Owens, Joseph Stines, Brandon Byrd, Esther Laborador, Stephanie Skewes, Lt. Martin A. Delk, Lt. Officer Ramp, Lt. Officer Adams, Ms. Peeples, and Lt. Keith. He is representing himself.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court Huckabee's motion to compel, seeking injunctive relief on prison management issues, be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

Date Filed 04/07/25

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 12, 2025, but Huckabee failed to file any objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report, and incorporates it herein. It is therefore the judgment of the Court Huckabee's motion to compel, seeking injunctive relief on prison management issues, is DENIED.

IT IS SO ORDERED.

Signed this 7th day of April, 2025, in Columbia, South Carolina.

s/ Mary Geiger Lewis MARY GEIGER LEWIS UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Huckabee is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.